

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:11-cv-00028-MR-DLH

**UNITED NATIONAL INSURANCE
COMPANY,**

Plaintiff,

VS.

ORDER

**HORTON SALES DEVELOPMENT
CORP., WILLIAM GREG HORTON,
CATHRYN J. STROHM HORTON,
and T. ALEXANDER BEARD,**

Defendants.

THIS MATTER is before the Court on the Plaintiff's Motion for Default Judgment against Defendant Horton Sales Development Corp. ("Horton Sales"), pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure. [Doc. 49].

It appears from a review of the pleadings that the Complaint was duly served on Defendant Horton Sales on March 24, 2011; that Defendant Horton Sales failed to answer or otherwise respond to the Complaint; and that default was entered against Defendant Horton Sales on January 4,


2012. Further, for the reasons stated in the Order granting the Motion for Judgment on the Pleadings against the Defendants William Greg Horton and Cathryn J. Horton [Doc. 46], the Court concludes as a matter of law that the insurance policy at issue in this case affords no coverage for pollution recovery costs sought against Defendant Horton Sales by the South Carolina Department of Health and Environmental Control, and that the Plaintiff owes no duty to defend Horton Sales in any action or proceeding for such pollution recovery costs. For the foregoing reasons, the Court concludes that good cause exists for the entry of a default judgment against Defendant Horton Sales.

IT IS, THEREFORE, ORDERED that the Plaintiff's Motion for Default Judgment against Defendant Horton Sales [Doc. 49] is **GRANTED**.

A Judgment consistent with this Order is hereby entered simultaneously herewith.

IT IS SO ORDERED.

Signed: April 18, 2013


Martin Reidinger
United States District Judge

